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Presentment Date: March 14, 2005
Time: 12:00 noon

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re: : Chapter 11
: Case No. 03-12006 (CB)
GLOBE METALLURGICAL INC. :
Debtor. :
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**OBJECTION OF CREDITOR TRUSTEE TO MOTION
FOR FINAL DECREE CLOSING DEBTOR'S CHAPTER 11 CASE**

Morton C. Batt, the Creditor Trustee, on behalf of the Globe Metallurgical Inc. Creditor Trust (the “Creditor Trust”) among Morton C. Batt, Globe Metallurgical Inc., Debtor and Debtor in Possession, and Globe Metallurgical Inc., Reorganized Debtor (“Globe” or the “Reorganized Debtor”), by his attorneys, Satterlee Stephens Burke & Burke LLP, hereby submits this Limited Objection to the “Motion for Final Decree Closing Debtor’s Chapter 11 Case Pursuant to Section 350(a) of the Bankruptcy Code and Bankruptcy Rule 3022” and represents as follows:

STATEMENT

1. The Creditor Trustee makes this objection for the purpose of protecting the rights of the Globe Metallurgical Creditor Trust, which received the rights to all Avoidance

and Other Actions¹ pursuant to Article V of the “Second Amended Plan of Reorganization of Globe Metallurgical Inc. Dated March 30, 2004” (the “Plan”), and otherwise effectuating the Plan and related orders of this Court.

2. The Creditor Trustee has already commenced the filing of Avoidance Actions. Thirty-five actions have already been filed and it is anticipated that another seventy-five to one hundred actions will be filed before the expiration of the two-year statute of limitations pursuant to Bankruptcy Code § 546, which occurs on April 2, 2005.²

3. The Debtor cannot now be permitted by prematurely closing the bankruptcy case, to cut off the rights which were heavily negotiated and unequivocally transferred to the Creditor Trustee under the Plan. Accordingly, the Creditor Trustee requests that the main bankruptcy case remain open until such time as he certifies that the Avoidance and Other Actions have all been commenced, and for such additional time as the Court may deem necessary.

4. Although the Motion acknowledges that the Debtor itself still has certain adversary proceedings open, it failed to acknowledge the pending and forthcoming adversary proceedings of the Creditor Trust. Moreover, the Creditor Trustee first learned of the Debtor’s desire and intention to seek case closure when his counsel received electronic notice of the the Motion.

5. Additionally, and despite the Reorganized Debtor’s contention that all matters have been resolved, the Reorganized Debtor has yet to reimburse the expenses of three

¹ Capitalized terms not defined herein are as defined in the Plan.

² While the Creditor Trustee has not entered into any agreements to toll the statute of limitations, such agreements remain a distinct possibility.

members of the former Official Committee of Unsecured Creditors which was ordered by this Court on August 13, 2004. Repeated demands for compliance with that order have been ignored. The Court's continued jurisdiction may be required in this regard as well.

WHEREFORE, for the reasons set forth herein, the Creditor Trustee respectfully requests that this Court deny the Debtor's "Motion for Final Decree Closing Debtor's Chapter 11 Case Pursuant to Section 350(a) of the Bankruptcy Code and Bankruptcy Rule 3022" until such time as the Creditor Trustee certifies that he has commenced all of the contemplated Avoidance or Other Actions.

Dated: New York, New York
March 11, 2005

SATTERLEE STEPHENS BURKE & BURKE LLP
Attorneys for the Creditor Trustee

By: /s/ Timothy T. Brock
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